

Attorney Docket No.: 6809.230-US
Filed: January 30, 2004
Via Facsimile No.: 571-273-8300

Application Serial No.: 10/768,371
Inventors: Igor Gonda et al.

Remarks

This amendment supplements Applicants' Feb 9, 2007 Amendment. In addition to the changes described below -- which are verbatim of the Feb 9, 2007 amendment -- the dependency of claim 39 has been changed to depend from claim 37 to claim 36. This was done because claim 43 would have ultimately depended from claim 37 and would have therefore double included addition of the some of the same elements, namely the breath hold step (i.e. the breath hold step would have been added by both claim 43 and 37). Now, as a result of this supplemental amendment, claim 43 ultimately depends from claim 36 and not 37 and thus the breath hold step is not added twice.

Applicants' attorney would like to thank the Examiner for the two interviews that are of record. Applicants' attorney wishes to correct the Feb 6, 2007 interview summary sheet by noting that the 35 USC section 112 2nd paragraph rejection to claim 34 was also discussed and the Examiner indicated during the interview that that rejection has now been adequately addressed. Should the Examiner have any further issues with the pending claims, she is encouraged to contact the Applicants' attorney. However, as indicated on the interview summary sheet that is of record, Applicants' attorney discussed the claims in detail with the Examiner at the Feb 6, 2007 interview and showed the Examiner that the amended claim language are supported throughout the specification, drawings, and abstract. Applicants' attorney also noted that while he believes the unamended claims were adequately supported by the specification, documents incorporated by reference and drawings, he has amended the claims to expedite prosecution and allowance of this application, which has been pending for an extremely long period of time. Finally, as noted some of the claim dependencies have been changed for --among other things- logical consistency reasons.

The Abstract has been amended to conform with the word limit requirements currently in place at the USPTO. The amendments to the Abstract are supported by the Summary of the Invention, the old Abstract, the Examples, the drawings, and the specification in general. (See. e.g. paragraphs 11, 150, 156, 16, 36, 37, 48, 52, 60, 51, 68, 124, 142, etc.)

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The Cross Reference in paragraph 1 of the specification has been amended to correct a typographical error and insert a missing date.

Applicants' are also filing herewith a Terminal Disclaimer over US Patent No. 7,021,309, in order to overcome the obviousness type double patenting rejection.

Once again, Applicants' attorney thanks the Examiner for the interviews and the opportunity to discuss Applicants' inventions.

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Conclusion

In view of the above and extensive prosecution in this application, it is respectfully submitted that all claims are in condition for allowance. Early reconsideration of the pending claims is respectfully requested. The Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Novo Nordisk Inc., Deposit Account No. 14-1447. The Examiner is hereby invited to contact applicants' attorney if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: February 19, 2007



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